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OUR FILE NO.

NEOME-019A1US

## FACSIMILE COVER SHEET

Date: May 11, 2006

To: Commissioner for Patents  
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/560,266  
Int. Patent Application No. PCT/US04/18483  
Inventor(s): Mittelstein et al.  
"Devices and Methods Useable for Treatment of Glaucoma and Other  
Surgical Problems"

From: Robert D. Buyan

Total No. of Pages: 14 (including this form). Please notify us immediately if you have not  
received all pages.

Attached: Response to Notification of Missing Requirements (2 pgs.)  
Copy of Notification of Missing Requirements (2 pgs.)  
Declaration of Inventorship and Limited Power of Attorney (2 pgs.)  
Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by  
Assignee (1 pg.)  
Copy of recorded Assignment (6 pgs.)

**PRIVACY NOTICE:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address. Thank you.

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MAY 11 2006

Atty. Docket No. NEOME-019A1US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mittelstein et al. )  
)  
U.S. App. No.: 10/560,266 )  
)  
Int. App. No.: PCT/US04/18483 )  
)  
For: Devices and Methods Useable for )  
Treatment of Glaucoma and Other )  
Surgical Procedures )

Art Unit: Unassigned

Examiner: Unassigned

**CERTIFICATE OF  
FACSIMILE TRANSMISSION**

I hereby certify that this document is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 at (571)273-8300 on, May 11, 2006.

By:

*Nancy V. McElrath*  
Nancy V. McElrath

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**Response to Notification of Missing Requirements  
Transmittal Letter**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed March 28, 2006:

- ☑ Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.).
- ☑ Enclosed is a Declaration of Inventorship and Limited Power of Attorney (2 pgs.).
- ☑ Enclosed is a Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.).
- ☑ Enclosed is a copy of the recorded Assignment (6 pgs.).
- ☑ Applicant hereby claims small entity status.

05/16/2006 MKAYPAGH 00000159 500878 10560266

01 FC:2617 65.00 DA

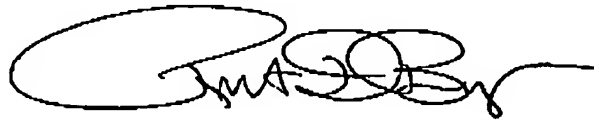
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App. No. 10/560,266  
Response to Notification of Missing Requirements  
Page 2

- ☒ The Commissioner is hereby authorized to charge the surcharge in the total amount of \$65 and any underpayment or credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP



Robert D. Buyan, Reg. No. 32,460

Date: May 11, 2006

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/560,266	FIRST NAMED APPLICANT Michael Mittelstein	ATTY. DOCKET NO. NEOME-019A1US
INTERNATIONAL APPLICATION NO. PCT/US04/18483		
I.A. FILING DATE 06/10/2004	PRIORITY DATE 06/10/2003	

Robert D Buyan  
Stout Uxa Buyan & Mullins  
4 Venture Suite 300  
Irvine, CA 92618

CONFIRMATION NO. 3475

371 FORMALITIES LETTER



\*OC000000018393520\*

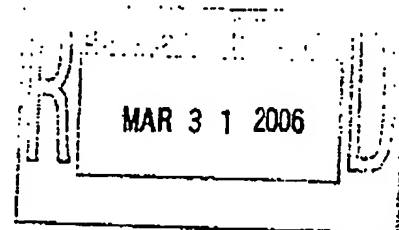
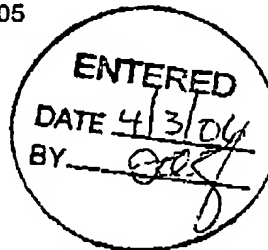
Date Mailed: 03/28/2006

*Response Due 5/23/06*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- Small Entity Statement filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005
- Specification filed on 12/09/2005
- Claims filed on 12/09/2005
- Abstracts filed on 12/09/2005
- Drawings filed on 12/09/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

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Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,266	PCT/US04/18483	NEOME-019A1US

FORM PCT/DO/EO/805 (371 Formalities Notice)

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